USDC SDNY Case 1:17-cr-00116-VM Document 79 Filed 08/03/20 Page 1 of 1 **DOCUMENT ELECTRONICALLY FILED** DOC #: August 3, 2020 DATE FILED:

U.S. Department of Justice

United States Attorney Southern District of New York

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August 2, 2020

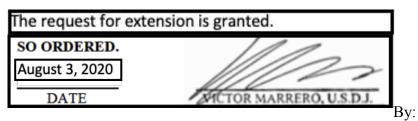
BY ECF and EMAIL

The Honorable Victor Marrero United States District Judge Southern District of New York Daniel Patrick Moynihan U.S. Courthouse 500 Pearl Street New York, New York 10007

> **United States v. Barry Connell, 17 Cr. 116 (VM)** Re:

Dear Judge Marrero:

The Government writes with respect to the restitution deadline in the above-referenced case. At the defendant's sentencing, the Court made clear that it would order restitution, and directed the Government to submit a proposed restitution order by April 30, 2020. (See Dkt. 66 at 7-8). The Court granted the parties' previous requests for an extension of the restitution deadline, which is currently August 3, 2020. (Dkt. 68, 70, 74). The Government and defense counsel are attempting to work toward a consent restitution order but have been delayed due to the COVID-19 pandemic. In addition, the process has been delayed by health issues of defense counsel and, most recently, the defendant. The Government accordingly requests a fourth extension of the restitution deadline until September 11, 2020. See Dolan v. United States, 560 U.S. 605, 608 (2010) (court "retains the power to order restitution" after the 90-day deadline set forth in 18 U.S.C. § 3664(d)(5)); United States v. Gushlak, 728 F.3d 184, 191 (2d Cir. 2013) (same); United States v. Pickett, 612 F.3d 147, 149 (2d Cir. 2010) (same). Defense counsel consents to this request.



Respectfully submitted,

AUDREY STRAUSS Acting United States Attorney

/s/ Won S. Shin Won S. Shin Assistant United States Attorney (212) 637-2226

Jesse M. Siegel, Esq. cc: